



AN ACT CLARIFYING THE PRIMACY OF THE MINERAL ESTATE; CLARIFYING THE JURISDICTION OF THE BOARD OF OIL AND GAS CONSERVATION; AMENDING SECTIONS 76-2-109 AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-2-109, MCA, is amended to read:

**"76-2-109. Effect on natural resources.** ~~(1) No planning district or recommendations-Regulations~~ adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, or the growing of timber or the complete use, development or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter Montana law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A regulation adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

**Section 2.** Section 82-11-112, MCA, is amended to read:

**"82-11-112. Intergovernmental cooperation.** ~~The~~ Subject to the provisions of 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend ~~such funds as may be~~ reasonable necessary in connection therewith."

**Section 3. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
HB 498, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 498

INTRODUCED BY S. GUNDERSON

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